

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, C.J.
 HON'BLE SHRI V.K. SHRIVASTAVA, J.

Writ Petition No. 2294 OF 2001

PETITIONER

Satish Sejpal S/o Tribhuwan Das
 Sejpal, aged about 46 years,
 resident of 17-A Nandini Road,
 Power House, Bhilai District Durg.

Versus

RESPONDENTS

1. State of Chhattisgarh, through the
 Secretary Department of Home,
 D.K. Building, Raipur
2. The Collector, Durg, District Durg.
3. The Superintendent of Police, Durg,
 District Durg.
4. The Regional Transport Authority,
 Durg, District Durg.

Present : Smt. Renu Kochar, learned counsel for the petitioner.
 Shri Vinay Harit, learned Dy. A.G. with Shri Utkarsh Verma,
 learned Dy. G.A. for the State.

ORAL ORDER
(Passed on 09-11-2006)

The following oral order of the Court was passed by

S.R. Nayak, C.J.

The petitioner has filed this writ petition under Article 226 of the Constitution of India claiming to be a *pro bono* public character to espouse the cause of public. The petitioner has sought for the following reliefs:

"Relief sought :

In view of the facts stated above, the petitioner seeks
 issue of the following relief(s)

1. That this Hon'ble Court may kindly be pleased to call
 the entire records relating to implementation of
 Section 129 of Motor Vehicle Act in Durg district.

2. That, this Hon'ble Court may kindly be pleased to constitute a committee under the direct control of this Hon'ble Court for carrying out the inspection of the roads, signals, opinion of the public at large, etc and the quality of Helmet, and obtained the report of the committee.
3. That this Hon'ble Court may kindly be pleased to restrained the respondents from implementation of Section 129 of the Act.
4. That after receipt of the report of the constituted committee this Hon'ble Court be further directed to first implement the report of the constituted committee.
5. Any other relief which this Hon'ble Court may deem fit and proper may also be passed in favour of the petitioner together with cost of the petition".

(2) We read the petition averments. If we may say so, the pleadings are totally incomprehensible and do not make any sense. The only thing we could gather, that too with difficulty, is the fact that the petitioner seems to think that without providing durable and good quality helmets, the State ought not to have implemented the public law obligation imposed on it under Section 129 of the Motor Vehicles Act 1988 (for short "the Act").

(3) The writ petition is liable to be dismissed in *limine* for more than one reason. It needs to be noticed at the threshold that under no circumstance, writ of mandamus shall go to the State not to implement the public law obligation contained in Section 129 of the Act. Secondly, it needs to be noticed that it is not the legal obligation of the State or the State Authorities to provide protective headgear with ISI mark before implementing the obligation under Section 129 of the Act. We pointedly asked learned counsel for the petitioner to trace such obligation of the

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State and the State Authorities with reference to any provisions of the Act or any other provisions of any other law, but learned counsel was not in a position to trace such obligation. The writ petition is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
V.K. Shrivastava
Judge

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